

AMENDMENTS TO THE DRAWINGS

Applicant herewith encloses one replacement page showing Fig. 2C and frame 200 and frame 210 in Figs. 2A and 2B, respectively.

Attachment: One (1) Replacement Sheet

REMARKS

Claims 1-8 are all the claims pending in the application.

Formal Matters

The Examiner objected to the drawings filed on June 25, 2001 for failing to show in the drawings reference numerals described in the specification. The Examiner also indicated that Fig. 2C is missing.

Applicant herewith submits a replacement drawing sheet showing the reference numerals indicated by the Examiner. Regarding Fig. 2C, Applicant notes that amendments to the specification describing Fig. 2C were made by Preliminary Amendment filed on June 25, 2001. Applicant herewith submits Fig. 2C which corresponds to the description added by preliminary amendment. Therefore, no new matter is being added by adding Fig. 2C. Applicant respectfully requests that the Examiner accept the drawings.

Allowed Claims

Applicant thanks the Examiner for indicating claims 1-6 are allowed.

Claim Objection

The Examiner objected to claim 5 because of informalities. Applicant has amended claim 5 as suggested by the Examiner. Therefore, Applicant respectfully requests that the objection be removed.

Claim Rejections -- Double Patenting

Claims 7 and 8 stand rejected under 35 U.S.C. § 101 (statutory double patenting) as allegedly claiming the same invention as that of claims 6 and 7 of prior U.S. Patent No. 6,529,528. However, this rejection cannot be maintained for at least the following reason.

The test for double patenting under 35 U.S.C. § 101 is whether a claim in the present application could be infringed without literally infringing a corresponding claim in the patent. If there is an embodiment that falls within the scope of one claim but not the other, then identical subject matter is not defined by both claims and statutory double patenting does not exist. MPEP § 804. Claim 6 of the patent is limited to multimedia communication using a low bit-rate coding protocol. By contrast, claim 7 of this application is not so limited. It is conceivable that a potential infringer could infringe claim 7 without literally infringing claim 6 of the patent by, for example, using a different coding protocol. Thus, we submit that statutory double patenting does not exist, and the rejection must be withdrawn.

Claim 8 is patentable by virtue of its dependency.

New Claims

Applicant submits new claims 9 and 10 to more fully claim features of the invention.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. § 1.111
USAN 09/887,332

Q64381

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

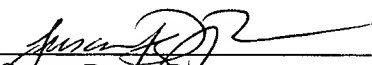
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Susan Perng Pan
Registration No. 41,239

Date: January 4, 2006